

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | 2:16-110 |
| |) | Electronic Filing |
| SAMIRKUMAR J. SHAH |) | |

MEMORANDUM ORDER

AND NOW, this 5th day of August, 2021, as reflected in the record and rulings at trial, IT IS ORDERED that [144] defendant's motion to disqualify be, and the same hereby is, denied.

Defendant has failed to identify even a shred of evidence to suggest that Attorney Miller somehow fell short in upholding her ethical obligations to defendant. As reflected in [148], the government's notice of authority, disqualification of the entire United States Attorney's Office for the Western District is not a remedy that is available or appropriate given the lack of Attorney Miller's involvement in the government's prosecution of defendant. And as became evident in conjunction with the development and argument on defendant's motion, information from which it could be argued that an evidentiary hearing or further development the record was warranted did not exist. Only the contrary was evident. See, e.g., [150] Notice by the United States. Consequently, the motion was been denied.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Eric G. Olshan, AUSA
Nicole A. Vasquez Schmitt, AUSA
Thomas D. Kenny Esquire
Joshua S. Lowther, Esquire

United States Marshal

(Via CM/ECF Electronic Mail)